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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MATTHEW BRADSHAW, an individual,
11 Plaintiff,

Case No: 2:12-cv-00690-APG-CWH

12 vs.

ORDER

13 CREDIT SMART, LLC, a Foreign Limited
Liability Company; DOES I through X,
14 inclusive; ROE Corporations I through X,
inclusive,

15 Defendant(s).

16 **ORDER**

17 It is hereby found that Plaintiff Matthew Bradshaw's *Motion for Entry of Default*
18 *Judgment* (#15) is **GRANTED** for the following reasons.

19 1. Bradshaw filed his *Complaint* on April 25, 2012. *Complaint* (#1). In the
20 *Complaint*, Bradshaw alleged Defendant violated the Fair Debt Collections Practices Act, 15
21 U.S.C. § 1692 et. seq., in the following ways:

- 22 a. Communicating with Plaintiff at times or places which were known or should
23 have been known to be inconvenient for Plaintiff. § 1692c(a)(1); including
contacting Plaintiff on a Holiday.
- 24 b. In connection with an attempt to collect an alleged debt from Plaintiff, contacting
25 a third party for purposes other than obtaining location information §1692b &
1692c(b); including contacting a third party other than Plaintiff's spouse.
- 26 c. Disclosing to a third party the existence of the debt allegedly owed by Plaintiff §
27 1692b(2) and 1692§c(b)

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- 1 d. Engaging in conduct the natural consequence of which is to harass, oppress, or
2 abuse Plaintiff. § 1692d; including making false, deceptive and misleading
3 representations that collector was an attorney and/or calling from an attorney's
4 office.
5 e. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in
6 the initial communication with Plaintiff, or in writing within 5 days thereof. §
7 1692g(a).

8 2. Defendant was served a copy of the *Complaint* and *Summons* on June 4, 2012.
9 *Affidavit of Service* (#8).

10 3. Defendant has not filed a response to the *Complaint* as required by Fed. R. Civ. P.
11 12.

12 4. On November 6, 2012, the Clerk entered a *Default* against Defendant. *Default*
13 (#12).

14 5. Any debt collector who fails to comply with any provision of the FDCPA is liable
15 to such person in the amount equal to damages not exceeding \$1,000 for each violation. 15
16 U.S.C. § 1692k(a)(2).

17 6. Reasonable attorney's as determined by the Court may be awarded to a successful
18 plaintiff. 15 U.S.C. § 1692(a)(3).

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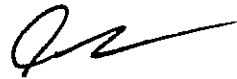
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1 7. Accordingly, the Court hereby Orders an award in Bradshaw's favor as follows
2 and instructs the Clerk of Court to enter a Judgment against Defendant as follows:

- 3 a. \$1,000, which represents statutory damages for defendants violations of the
4 FDCPA.
5 b. \$1,775.00 in reasonable attorney's fees;
6 c. \$469.00 in costs;
7 d. Plus interest, attorneys' fees and costs accruing until such time the Judgment
8 is collected in full.

9 **IT IS SO ORDERED.**

10 

11 _____
12 United States District Court Judge

13 Dated: June 17, 2013.

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16 By: s/ Larson A. Welsh

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